

November 25, 2024

VIA ECF

The Honorable Analisa Torres
United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Nat'l Football League Players Ass'n v. DraftKings Inc., No. 24-cv-6407 (AT) (S.D.N.Y.)

Dear Judge Torres:

Pursuant to Rule IV(A)(ii) in this Court's Rules of Practice in Civil Cases, Defendants DraftKings Inc. and DK Crown Holdings Inc. (together, "DraftKings") respectfully request permission to file a redacted version of their motion to dismiss in accordance with the instructions for filing redacted documents in the Southern District of New York's Electronic Case Filing Rules & Instructions, Section 6.

On November 6, 2024, this Court already entered an order granting the parties' requests for leave to redact, in their pre-motion conference letters regarding this motion to dismiss, the same limited information DraftKings now proposes redacting in its motion. See Order, ECF No. 25 ("The limited redactions are narrowly tailored to advance the parties' privacy interests while maintaining the broadest possible access to judicial documents."); see also Order, ECF No. 4, *Nat'l Football League Players Ass'n v. DraftKings Inc.*, No. 24-mc-391 (Aug. 22, 2024) (granting motion to redact same information from Plaintiffs' Complaint and exhibits).

As this Court has found, the partial redaction of DraftKings' motion to dismiss is warranted to protect DraftKings' confidential information and trade secrets. See Order, ECF No. 25; *KeyBank Nat'l Ass'n v. Element Transp. LLC*, 2017 WL 384875, at *3 (S.D.N.Y. Jan. 26, 2017); *PDV Sweeny, Inc. v. ConocoPhillips Co.*, 2014 WL 4979316, at *3 (S.D.N.Y. Oct. 6, 2014). Specifically, the redaction request pertains to commercially sensitive, confidential financial terms in the parties' agreement, the disclosure of which could cause competitive harm. This information is covered by the confidentiality provisions contained in the parties' agreement.

Pursuant to Rule IV(A)(ii) of this Court's Rule of Practice in Civil Cases, DraftKings respectfully requests that only Plaintiffs' counsel be granted access to the unredacted version of DraftKings' motion to dismiss. DraftKings further requests that the Court permit the unredacted version of DraftKings' motion to dismiss to be filed under seal.

Respectfully submitted,

/s/ Orin Snyder
Orin Snyder

cc: All counsel of record (via ECF)